

REMARKS

In this response to the Final Office Action dated June 22, 2009, Claims 1 and 12 have been amended to more clearly describe the subject matter. Claims 3, 16, and 25 were amended to conform to U.S. practice. Claim 24 was canceled without prejudice. New Claim 26 was added to further specify the specific binding partner. As discussed below, all the amendments in this response are fully supported with the application as originally filed and no new matter has been added. Currently, Claims 1, 3-6, 8-14, 16, and 19-23, 25, and 26 are pending and Claims 1, 3-6, 8-14, 16, 25, and 26 are presented for the Examiner's consideration.

By these amendments and remarks as set forth herein, withdrawal of the rejections and reconsideration of the Claims are respectfully requested.

Discussion of the Amendments

Support for the recitation in Claims 1 and 12 that the substrate polypeptide comprises a specificity conferring portion and a phosphorylatable portion in a single polypeptide sequence can be found throughout the application as filed. In particular, such supports can be found, for example, from page 5, lines 19-23, page 7, lines 5-8, and Table 1 and the related descriptions of the subject specification.

Supports for the recitation in Claims 1 and 12 that the specificity conferring portion is recognized as a substrate by a protein kinase can be found, for example, from page 4, lines 13-22 of the originally filed specification.

New Claim 26 recites the limitations that have been removed from Claim 1. As discussed in the previous response filed on September 22, 2009, support for this claim can be found, for example, from page 9, lines 4-28 of the specification.

Claims 3, 16, and 25 were amended to properly recite the antecedent basis, thereby conforming to U.S. practice.

As noted, all the amendments in this response are fully supported. Therefore, entry of the amendments for the Examiner's examination is respectfully requested.

Objection to Claims 1 and 12 and Rejection under 35 U.S.C. 112, 2nd

The terms that were objected to in the Examiner's objection of Claims 1 and 12 and in the rejection of Claim 1 under 35 U.S.C. 112, 2nd are no longer present in the claims. Accordingly, withdrawal of the objection and rejection is respectfully requested.

Rejection under 35 U.S.C. 112, 1st

During the telephonic interview, the Examiners indicated that clarification of the claims would obviate the enablement rejection of the claims set forth in the final Office Action. In reply, Applicants have amended the claims as set for above and therefore the pending claims are now recited in a clearer format such that the enablement rejection is no longer applicable. In light of these amendments, Applicants respectfully request the Examiner's reconsideration of the claims for immediate allowance.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

In view of Applicants' foregoing Amendments and Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

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Filed : June 27, 2005

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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